

YMB
7/31/08

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2008 JUL 31 AM 11:08 MJ 2350

UNITED STATES OF AMERICA,

Plaintiff,

v.

Bonifacio DOMINGUEZ-Munoz,

Defendant

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

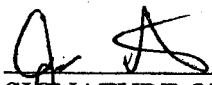
BY  DEPUTY
COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

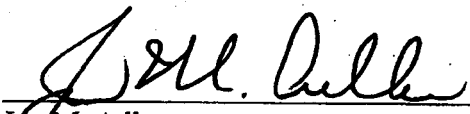
The undersigned complainant, being duly sworn, states:

On or about **July 30, 2008** within the Southern District of California, defendant, **Bonifacio DOMINGUEZ-Munoz**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 31st DAY OF JULY, 2008


Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

SMB
7/31/08

CONTINUATION OF COMPLAINT:
Bonifacio DOMINGUEZ-Munoz

PROBABLE CAUSE STATEMENT

On July 30, 2008 at approximately 12:00 a.m., Border Patrol Agents C. Hoelter and C. Sadberry were performing their assigned duties in the Pine Valley Border Patrol Station area of responsibility. Agents Hoelter and Sadberry responded to the activation of a sensor located Northeast of the Tecate, California Port of Entry.

Agents Hoelter and Sadberry found footprints and followed them for approximately five hours, where they encountered eleven individuals attempting to hide in the brush. The Agents identified themselves as U.S. Border Patrol Agents and questioned each of the eleven individuals as to their citizenship. All eleven individuals, including one later identified as the defendant **Bonifacio DOMINGUEZ-Munoz**, admitted to being citizens and nationals of Mexico without any immigration documents that would allow them to enter into, or remain in the United States legally. All eleven were placed under arrest at approximately 5:00 a.m. and were transported to the Pine Valley Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on July 18, 2008 through San Ysidro, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States.